

SUBSECTION 8.4

## **Land Use**

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## 8.4 Land Use

### 8.4.1 Introduction

This subsection provides an inventory of existing and designated land uses at the Walnut Energy Center (WEC) project site and along the proposed alternatives for the natural gas supply, waterline, and electric transmission corridors. It also evaluates the project's conformity with applicable land use plans and policies. Subsection 8.4.2 discusses the land use planning and control framework surrounding the project and adopted local, regional, state, and federal land use plans and permits applicable to the proposed project. Subsection 8.4.3 provides a brief overview of the affected environment and describes existing land uses and zoning districts in the project area (i.e., within 1.0 mile of the proposed site and within 0.25 mile of the project's linear facilities). Subsection 8.4.4 describes the future growth potential of the project area. Subsection 8.4.5 discusses relevant discretionary actions by public agencies that have been either initiated or completed in the 18 months before filing the AFC. Subsection 8.4.6 presents an assessment of potential land use impacts of the project, and the project's conformity with existing and designated land uses and applicable plans and policies. Subsection 8.4.7 discusses cumulative impacts and mitigation measures, and Subsection 8.4.8 lists the references used in preparing this subsection.

The site is in the City of Turlock (City) and linear project features are under the jurisdictions of both the City and Stanislaus County (County), as summarized in Table 8.4-1 and Figures 8.4-1 and 8.4-2 (figures are located at the end of the subsection).

**TABLE 8.4-1**  
Summary of Project Feature Jurisdictions

<b>Project Feature</b>	<b>Land Use and Planning Jurisdiction</b>
Walnut Energy Center	City of Turlock
Natural Gas Line	City of Turlock, Stanislaus County
Water Lines (Recycled and Potable)	City of Turlock
Electric Transmission Lines	City of Turlock, Stanislaus County

### 8.4.2 Laws, Ordinances, Regulations, and Standards

This subsection lists (Table 8.4-2) and discusses the land use laws, ordinances, regulations and standards (LORS) that apply to the project. Subsection 8.4.6 presents the Stanislaus County General Plan and the City of Turlock General Plan policies relevant to the project.

#### 8.4.2.1 Federal

No federal LORS for land use apply to the site or project.

**TABLE 8.4-2**

Laws, Ordinances, Regulations, and Standards Applicable to Walnut Energy Center Land Use

<b>LORS</b>	<b>Purpose</b>	<b>Regulating Agency</b>	<b>Applicability (AFC Section Explaining Conformance)</b>
City of Turlock General Plan 1992-2012 (2002a)	Describes policies for land use, circulation, community facilities, and environmental resource management for the plan area.	Dana McGarry, Senior Planner Community Development Department 156 South Broadway, Suite 120 Turlock, CA 95380 209-668-5640	Table 8.4-6
City of Turlock Westside Industrial Specific Plan (In Progress)	Describes policies for land use in the Westside Industrial Specific Plan Area including the area of the project.	Same as above	Table 8.4-6
City of Turlock Redevelopment Plan (1994, as amended)	Describes policies for economic and land use redevelopment in specific areas of the City, including the area of the project.	Same as above	Table 8.4-6
City of Turlock Zoning Ordinance (2000)	Establishes zoning districts governing land use and the placement of buildings and district improvements.	Same as above	Subsection 8.4.6
Stanislaus County General Plan (2002a)	Describes policies for land use, circulation, community facilities, and environmental resource management for the plan area. Provides a statement of the area's vision for its ultimate physical development.	Bob Kachel, Sr. Planner Department of Planning and Community Development 1010 10th Street, Suite 3400 Modesto, CA 95354 209-525-6330	Table 8.4-6
Stanislaus County Zoning Ordinance (2002b)	Establishes zoning districts governing land use and the placement of buildings and district improvements.	Same as above	Subsection 8.4.6

### 8.4.2.2 State

The application for certification (AFC) process is California Environmental Quality Act (CEQA)-equivalent under the Warren-Alquist Act, so fulfills the requirements of CEQA. CEQA is codified in the California Public Resources Code, Sections 21000-21178.1. Guidelines for implementation of CEQA are codified in the California Code of Regulations (CCR) Sections 15000-15387. Table 8.4-3 summarizes the permits needed for project approval related to land use.

### 8.4.2.3 Local

#### 8.4.2.3.1 General Plans

Land use provisions included in every California city and county general plan (California State Planning Law, Government Code §65302 et seq.) reflect the goals and policies that guide the physical development of land in their jurisdiction. For purposes of this AFC, the project is analyzed for its conformity with land use designations and policies described in the City of Turlock and Stanislaus County General Plans (City of Turlock 2002a; Stanislaus

**TABLE 8.4-3**  
Land Use-Related Permits Needed for Project Approval

Permit or Approval	Schedule	Applicability	AFC Conformance Section	Agency Contact
City of Turlock Encroachment Permit and Grading Permit  City of Turlock Municipal Code, Title 7	120 days before construction	Installation of natural gas and waterline facilities for project (encroachment); modification to site surface (grading)	Subsection 8.4.2.3.3	Brad Clavenough City Engineer Public Works Dept. 901 S. Walnut Turlock, CA 95380 (209) 668-5590
Stanislaus County Grading Permit/Plan Review	2 weeks before construction, subsequent to enactment of the Franchise and Maintenance Agreement	Installation of natural gas and waterline facilities for project in County right-of- way	Subsection 8.4.2.3.3	Stanislaus County Public Works Dept. Development Services Michael Luevano, Engineer 1010 10th Street Suite 3500 Modesto CA, 95354 209-525-5757
Stanislaus County Encroachment Permit/Plan Review	2 weeks before construction, subsequent to enactment of the Franchise and Maintenance Agreement	Installation of natural gas and waterline facilities for project in County right-of- way	Subsection 8.4.2.3.3	See Michael Luevano, above

Sources: City of Turlock (2000); Stanislaus County (2002b); Luevano (2002).

County 2002a). In addition, the future City of Turlock Westside Industrial Specific Plan (WISP) (Van der Pol 2002) and the Turlock Redevelopment Plan for the Turlock Redevelopment Project (City of Turlock 1994) apply to land use decisions regarding the site. The land use designations, as well as the allowable uses, are discussed in Subsection 8.4.3. A discussion of the project's conformity with the land use designations and General Plan policies is found in Subsection 8.4.6.

Implementation of the project would not require amendment to the General Plans for the City or County. The proposed project is consistent with the land use designation and policies of the City, as presented in Subsection 8.4.6

#### **8.4.2.3.2 Zoning Ordinances and Related Permits**

The City and County's zoning ordinances are enforced by their respective planning and building departments. Zoning for the project site is industrial. Pursuant to the City of Turlock Zoning code, Article 9-3-402, a thermal power plant is a permitted use in the industrial zoning district (City of Turlock 2002b).

New preparation of the site for the plant would require a grading permit. TID intends to apply for and obtain this ministerial permit as a courtesy to help maintain conformity with City processes and recordkeeping. The application requires a complete description of the grading plan, a list of supporting documentation, copies of referenced plans and specifications, and evidence of insurance.

Installation of linear facilities in the City and County would not require encroachment permits because PG&E has a franchise agreement for the gas line and the City would own the recycled water line and potable water line.

### **8.4.3 Affected Environment**

The following text discusses the affected environment for the broader project area and the project vicinity (i.e., for 1 mile surrounding the project site and 0.25 mile from the center line of the linear facilities). Subsection 8.4.3.1 presents a general description of the land uses and major landmarks within a broad area near the project site. Subsection 8.4.3.2 presents the existing land uses, the General Plan land use designations and zoning districts of the project vicinity, and the allowable uses within those designations. Also discussed in Subsection 8.4.3.2 are unique land uses, such as residential, recreation, scenic, historical, cultural uses, and nature preserves. Subsection 8.4.3.3 summarizes the applicable General Plan policies based on land use within the project vicinity. Conformity of the project with affected land use and zoning districts and General Plan policies is found in Subsection 8.4.6.

#### **8.4.3.1 General Description of Project Area**

The project site is located in the City of Turlock, in Stanislaus County, California. The County is bordered by Merced, Mariposa, Tuolumne, Calaveras, San Joaquin, Santa Clara, and Benito counties. The County contributes to the Central Valley counties through regional employment, housing, and agricultural resources.

Various areas of flat open space terrain, primarily used for agricultural purposes, comprises land use in the County. The historical land use pattern in the project area has resulted in mainly agricultural land uses, along with water and resource-management projects.

Major landmarks near the project include the Merced River approximately 10 miles to the south and the San Joaquin River about 9 miles to the west. The site is located approximately 20 miles southeast of the City of Modesto. Large infrastructure facilities in the area include a railroad line (north of the project site), Highway 99 (approximately 2 miles east of the site), and the existing TID peaking plant and substation on Washington Road (west of the site). The predominant uses in the project area include agriculturally related processing facilities (dairies and related milk/cheese processing facilities, grain mills, and the Foster Farms feed mill immediately north of the site). North of the site on the Foster Farms property is a large, circular railroad spur for raw materials and finished product deliveries to and from the plant. Existing residences are scattered throughout the project area as a result of the historically agricultural-based uses of the area. However, the City of Turlock has stated that permits for residential development would not be issued in the project area because future residential development would be incompatible with the area's industrial zoning (McGarry 2002).

#### **8.4.3.2 Existing Land Uses, Planning, and Zoning Designations**

A general plan is a vision statement for future development, containing goals and policies to guide development. The City of Turlock General Plan (City of Turlock 2002a) is the planning document applicable to this site. The zoning ordinance is a regulatory tool used to implement the General Plan. It defines zoning districts that dictate permitted uses as well as design requirements such as setbacks and height limits.

Definitions of General Plan land use designations for both the City of Turlock and Stanislaus County in the project vicinity are described in Table 8.4-4. Existing land uses and zoning districts (for both the City of Turlock and Stanislaus County) for the proposed site and vicinity, along with the project's linear features, are presented in Table 8.4-5.

The site is located in an area that is covered by the current City Redevelopment Plan. Because the City has concentrated its use of redevelopment funds on the downtown area, there are no specific improvements to the area proposed under this plan. There are no provisions or projects identified in the Redevelopment Plan that would affect the project (McGarry 2002).

Additionally, the City of Turlock is in the initial stages of developing a specific plan for the area of the City west of Highway 99, including the project site. The purpose of the WISP is to foster economic development while providing a designated area for industrial activities incompatible with the mainly urbanized and residential uses east of Highway 99. According to the City, industrial development in the entire County is estimated to be on the order of 50 acres per year (McGarry 2002). The WISP is in its early stages and is expected to be further developed in 2003. It will consider public infrastructure needs, such as water and sewer to serve the planned industrial development for the specific plan boundaries (Cooke 2002; McGarry 2002).

#### **8.4.3.2.1 Walnut Energy Center Site**

The site (Figure 8.4-1) consists of 18 acres located within a 69-acre parcel in the southwestern portion of the City near the intersection of W. Main and Washington Road. The site is bounded to the north by a railroad corridor. Existing uses on the site include agricultural production, typically corn and oat crops used for livestock feeding in the area. To the southeast are a few residences in agricultural zoned land within Stanislaus County.

The project site is designated in the City General Plan for industrial land uses. Uses allowable for this designation are summarized in Table 8.4-4, and include industrial uses that are considered incompatible with residential uses. The Industrial General Plan Designation includes large- and small-scale industrial, manufacturing, distributing, and heavy commercial uses. Although the General Plan designation does not specifically site thermal power plants as an allowable use, the authority for use of the site for the proposed power plant is found in the applicable zoning article.

The project site is in the industrial (I) zoning district. According to the City (City of Turlock 2002b), the specific purposes of the industrial zoning district are to:

- Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing and service uses
- Strengthen the City's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities
- Minimize the impact of industrial uses on adjacent residential and commercial districts.

The additional purpose of the industrial (I) zoning district is to "provide for a full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Turlock; and to protect Turlock's general industrial areas from competition for space from unrelated uses that could more appropriately be located elsewhere in the city" (City of Turlock 2002b).

According to the City, the project would be classified as a "major utility" consistent with Section 9-3-402 of the City Zoning Ordinance.

**TABLE 8.4-4**  
Planning Designation Definitions in Project Vicinity

General Plan Land Use Designation	Examples of Permitted Uses for General Plan Land Use Designations	
	City of Turlock	Stanislaus County
Commercial (Neighborhood/Community)	Range of retail and personal service uses that serve a neighborhood or community wide market; large-scale commercial uses serving a regionwide market are excluded.	Not applicable
Urban Reserve	Lands currently in agricultural production that can be converted to urban uses if urban services can be provided and population growth justifies conversion of land use; contingent on additional analysis, planning and action by the City as appropriate. Agricultural uses are permitted, but are considered transitional and are intended to eventually be replaced by urban development.	Not applicable
Industrial	<p>Industrial (I): Large- and small-scale industrial, manufacturing, distributing, and heavy commercial uses such as food processing, fabricating, motor vehicle service and repair, truck yards and terminals, warehousing and storage uses, wholesale uses, construction supplies, building material facilities, offices, contractors yards, and the like. Incidental retail and services may also be permitted, provided they are primarily oriented to employees and businesses in the area. Development in this designation shall not exceed a floor-to-area ratio (FAR) of 0.6.</p> <p>Business Park (BP): Office centers, research and development facilities, medical and professional offices, institutional uses, limited light-industrial uses, warehousing and distributing, "back-office" uses, and other similar uses locating in a low-intensity, landscaped setting with high design and development standards. Related, incidental retail and services may also be permitted.</p>	Not applicable
Detention Basin/Park	Park and recreation areas, drainage basins	The city overlays county jurisdiction for this designation (see Figure 8.4-1)
Public/Institutional	City's major public and private institutional uses, including public safety facilities, public schools, and other prominent public uses and facilities.	Not applicable
Agriculture	Not applicable	This designation establishes agriculture as the primary use, but allows dwelling units, limited agriculturally-related commercial services, agriculturally-related light-industrial uses, and other uses, which, by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use. Also suitable for areas identified by the General Plan as suitable for open space or recreational use and for ranchettes.

Sources: City of Turlock (2002a); Stanislaus County (2002a).

**TABLE 8.4-5**  
Existing Land Uses and Planning Designations

Project Component	Existing Land Uses	General Plan Designation		Zoning Designation	
		City of Turlock	Stanislaus County	City of Turlock	Stanislaus County
Proposed Site <sup>a</sup>	Agricultural; Vacant	Industrial (I)	Not applicable	Industrial (I)	Not applicable
Site Vicinity <sup>a</sup>	Agricultural and related uses (e.g., dairy, crops, milk processing)  Urbanized/suburbanized uses (commercial, manufacturing, residential)	Community/Neighborhood Commercial (C/NC) Urban Reserve (UR) Industrial/Business Park (BP) Drainage Basin/Park (DB/P) Public/Institutional (PUB)	Agriculture	Planned Development (P-D) Parks/Drainage Basins (P-DB) Community Commercial (C-C) Public/Semi-Public (P-S)	Agriculture (A-2-10 UT, A-2-40)
Gas Line <sup>b</sup>	Agricultural and related uses Low-density residential Water management (TID canals) Railroad Utility (substation and transmission lines)	Same as site and site vicinity	Agriculture	Same as site and site vicinity	Same as site vicinity and A-2-10
Water Line <sup>b</sup>	Agricultural Low-density residential Utility (transmission lines, wastewater treatment facility)	Same as site and site vicinity	Agriculture	Same as site and site vicinity	Same as site vicinity and A-2-10
Transmission Line <sup>b</sup>	Agricultural and related uses Low-density residential Utility (substation and transmission lines)	Same as site and site vicinity	Not applicable	Same as site and site vicinity	Not applicable

Sources: City of Turlock (2000, 2002a); Stanislaus County (2002a, 2002b) and respective land use designation and zoning maps.

<sup>a</sup> Land Use and Zoning for project vicinity is 1-mile boundary around project site.

<sup>b</sup> Land Use and Zoning for all linear facilities include 1/4-mile boundary from centerline.

### **8.4.3.2.2 Linear Facilities**

#### ***Natural Gas Supply Line***

Natural gas for the facility will be delivered to the site via approximately 3.6 miles of new 8-inch-diameter pipeline that will connect to PG&E's existing main pipeline (Line 215) at W. Bradbury Road (Figure 8.4-1). The gas line will go from the project site west along the railroad tracks, then south on Commons Road to Bradbury Road.

The land use designations for the proposed natural gas route in the City's jurisdiction are industrial. The zoning for the portion of gas line within the City's jurisdictions is also industrial.

The General Plan and Zoning in the County's jurisdiction for the proposed gas line route is agriculture.

See Figure 8.4-2 for land use and zoning districts along the natural gas pipeline. These designations are described in Table 8.4-4. The alternative gas supply routes are described in Section 9.0, Alternatives.

#### ***Water Lines***

Cooling water for the facility will be delivered to the site via approximately 1.6 miles of a new recycled-water line, originating at the City of Turlock Regional Wastewater Treatment Plant (WWTP), traversing west to the south of Spengler Way, along an existing transmission line right of way, north on South Tegner Road to Ruble Road, west along Roble Road, then traversing north from Ruble Road and terminating at the project site.

The City is in the process of developing a Title 22 water treatment system at its WWTP. Based on the Cease and Desist Order issued by the Central Valley Regional Water Quality Control Board, it is estimated that the system will be completed by May 2006. Approximately 1,800 acre-feet per year (afy) of potable water from the City of Turlock will be used to meet WEC water demands until the recycled water is available. This water will be provided via a new 0.9-mile-long pipeline connecting to an existing City water main located in Tegner Road, east of the project site. Potable water for drinking, safety showers, fire protection water, service water, and sanitary uses will continue to be served from the City's potable water system on this pipeline after the recycled water line is constructed and in operation.

In general, all alternatives cross lands designated for urbanized uses (commercial and industrial) in the City and agricultural uses in the County. Zoning for both jurisdictions for the water line is similar to the natural gas supply line.

Land use and zoning information is shown on Figures 8.4-1 and 8.4-2. Alternative recycled water supply routes are discussed in Section 9.0, Alternatives.

#### ***Electric Transmission Lines***

The project site will connect to Turlock Irrigation District's (TID's) electrical transmission system via new 115- and 69-kV transmission lines. The new 115-kV transmission line will be approximately 1,950 feet long and will loop one circuit of an existing double-circuit 115-kV transmission line into the WEC. The new 69-kV transmission lines will be approximately 670 feet long and will loop an existing 69-kV line. The 115-kV transmission lines run along the west side of South Washington Road. The 69-kV transmission line runs along the south property line of the project parcel and Ruble Road.

Each of the 9 transmission towers needed for the 115 kV and 69 kV lines will occupy approximately a 20-foot by 20-foot space, for a total of 0.1 acre to be used for permanent transmission tower footprints. Land use and zoning information is shown on Figures 8.4-1 and 8.4-2. The electric transmission line route will run through lands zoned and designated for industrial use or planned development for business park uses in the City.

#### **8.4.3.2.3 Recreation, Scenic, Natural Resource Protection and Extraction, Educational, and Religious Land Uses**

In general, recreational facilities in the project vicinity are limited to uses in the parks in the City and encompass the several neighborhood and community parks east of Berkeley Road. The two parks closest to the site are Dianne Park, approximately 1 mile northeast of the site, and Pedretti Park, approximately 2 miles northeast of the site. Approximately 10 miles or greater from the project site are the Tuolumne River (north of the project site), Modesto Reservoir and Turlock Lake (east of the project site), a county golf course on Clausen Road and Golf Link Road and the Merced River (both south of the project site) and the San Joaquin River to the west.

No natural resource extraction areas exist within the project vicinity.

No unique scenic resources exist within the project vicinity. Visual resources are discussed in detail in Subsection 8.11.

Schools and religious institutions within the project vicinity are discussed in Subsection 8.12.

#### **8.4.3.3 General Plan Policies Applicable to the Project**

The following subsection summarizes General Plan policies for land uses affected by the project. Specific General Plan goals and policies and the project's conformity with these policies are found in Subsection 8.4.6.

##### **8.4.3.3.1 Industrial Land Uses**

Land will be used for industrial purposes on the project site. A part of the City's major goals and objectives according to the General Plan and the future WISP is to establish industrial land uses to encourage job creation and revenue-generating activities. For this purpose, the City intends to promote the development of new industrial activities and has designated land for new industrial uses through current land use designations and zoning. The City seeks to develop industrial uses within the areas that have been designated and zoned for industrial purposes, including the project site and surrounding area.

Industrial development policies for the County relevant to this project are generally related to the County's desire to focus industrial expansion within less agriculturally productive areas. These areas could include existing incorporated cities, urban areas and other areas that have existing infrastructure to support such development. Development of industrial uses within existing urbanized areas is intended to minimize loss of agricultural resources.

For the specific goals and policies relevant to industrial and related land uses, see Subsection 8.4.6.

#### 8.4.3.3.2 Agricultural Uses and Prime Farmlands

Agricultural resources exist on the project site and in the vicinity of the site, and are discussed in detail in Subsection 8.9. Prime agricultural lands are addressed in this subsection.

The designations for important farmlands in the project vicinity are shown on Figure 8.9-2. This map is derived from information provided from the Farmland Mapping and Monitoring Program (FMMP) administered by the Division of Land Resource Protection in the California Department of Conservation (CDC) (CDC 2002).

The Important Farmland Map shows that the project site is considered prime farmland (P). In the project vicinity, prime farmlands, farmlands of statewide importance (S) and farmlands of local significance (L) exist. To construct the site, the entire 69 acres would be removed from agricultural production. The 18-acre project site will be permanently cleared, graded, and paved or covered with gravel or asphalt for the plant site, roadways, and parking areas. Approximately 51 acres of the site would be used temporarily for the construction laydown, parking, and trailer area. After construction, the construction, laydown, parking, and trailer area and the remaining 51 acres of the 69-acre parcel would be returned to agricultural production or made available for other TID uses. The permanent conversion of the 18-acre project site represents 0.0064 percent of available important farmland in Stanislaus County.

County agricultural preservation policies in the General Plan include retention of agricultural lands by limiting urban expansion to planned areas, supporting implementation of the Stanislaus County General Plan Agricultural Element, and protecting natural resources. Urban expansion is generally limited to designated areas, and is controlled by implementing various measures to minimize conflicts between agriculture and urban activities (Stanislaus County 2002a). Support for the Stanislaus County Agricultural Element and Right-to-Farm ordinance will help protect agricultural operations from urban pressures. Natural resources, including soil, air, and water essential for agricultural production, will be protected and restored to allow for continued productivity.

Specifically, Stanislaus County has, or plans to implement, policies for agricultural preservation that include retention of buffer zones, analysis of agricultural impacts during planning, preservation of agricultural lands, and affirmation of the Right-to-Farm ordinance. Buffer zones will be established along the urban boundaries, protecting urban development and agricultural activities. Loss of agricultural land will be analyzed as part of the environmental documentation for projects affecting agricultural areas. Preservation of agricultural lands will be promoted by participation in the Williamson Act, providing tax incentives for farmers. Right-to-Farm notices must be included in all deeds recorded with the city.

For the specific goals and policies relevant to agricultural land uses, see Subsection 8.4.6.

### 8.4.4 Future Growth Trends

According to the City General Plan, growth will occur in all areas of the City, within the City's sphere of influence and potentially within the western portion of the General Plan study area.<sup>1</sup> In general, the City has annexed areas within its sphere of influence and may annex lands within the General Plan study area within the next 20 years. As shown in Table 8.4-4, the City has reserved land use designations that can be converted to urbanized uses based on population demand, the majority of which are within the General Plan study area and currently fall under Stanislaus County's jurisdiction. As population demand requires more urbanized uses, an area will be rezoned from its "reserved" status to the applicable zoning district. Of the 1,000 acres of land within the General Plan study area designated as industrial urban reserve, more than 300 acres have been annexed and zoned as industrial. Therefore, future growth trends outside of the City limits or sphere of influence will generally be limited to the western side of the city and primarily will consist of industrial uses consistent with the City's goal of achieving greater economic diversity.

The goal of expanding industrial growth in the western area of the City, as well as future growth trends within the City limits, were analyzed in the Turlock General Plan Master Environmental Assessment/Draft Environmental Impact Report (MEA/EIR). The MEA/EIR considered, among other land use decisions, the conversion of agriculturally-productive lands within City limits and sphere of influence to urbanized uses. The City determined, in a statement of overriding considerations, that adoption and implementation of the amended 1992 General Plan would have a significant effect, even with mitigation, with regard to the conversion of agricultural lands to urbanized uses within its boundaries (City of Turlock 1992). The City recognized that policies and programs in place to limit urban expansion and preserve agricultural uses would not fully mitigate the conversion of agricultural uses to urban uses, as specified in the General Plan. However, the City found that "the ability of the City to meet its fair share of the regional needs for housing, to ensure that there is a balance of jobs and housing and sufficient services for residents of the community as growth occurs outweighs the environmental risk [of] farmland conversion with[in] the Planning Area" (Appendix 8.4A).

Based on the General Plan diagram, growth in the City is proposed to occur consistent with goals to:

- Redevelop the downtown area
- Increase housing variety citywide
- Provide commercial and industrial sites
- Renew traditional neighborhood street patterns for local retail uses
- Annex "City islands"
- Develop infill neighborhoods in the southeast and the north

Growth in the County is to occur in currently urbanized areas, including incorporated and unincorporated communities, where infrastructure services are available.

<sup>1</sup> According to the City, although a primary and secondary sphere of influence are shown on the planning maps and in the planning documents, the City recognizes the secondary sphere of influence (Cooke 2002). Therefore, this analysis refers to what is otherwise the secondary sphere of influence in published planning documents. Additionally, the General Plan recognizes the "Plan study area," which includes a boundary beyond the City's sphere of influence and within the jurisdiction of Stanislaus County. The General Plan explains that, consistent with California law, the "Plan study area" has been included in the General Plan "because the City believes these unincorporated communities and lands 'bear relation' to planning activities the City undertakes" (City of Turlock 2002a).

### 8.4.5 Recent Discretionary Reviews by Public Agencies

The City of Turlock General Plan and Turlock General Plan MEA/EIR were reviewed and amended in 2002.

According to the City, specific planned or approved projects within 1 mile of the project site include remodeling the existing Sunnyside Farms facility (primarily limited to interior remodeling) and expanding the water line to the existing Varco-Pruden facility (McGarry 2002). A list of known, proposed, or approved projects was requested from the City in October 2002 for comprehensive consideration of potential, temporary cumulative, and permanent impacts related to land use compatibility, traffic, air quality, and noise; and temporary cumulative impacts related to visual resources.

### 8.4.6 Environmental Consequences

#### 8.4.6.1 Significance Criteria

Significance criteria for impacts to land use were determined through review of applicable state and local regulations. Because the Warren-Alquist Act is equivalent to a CEQA review, the following criteria developed from the CEQA Guidelines and the CEQA Checklist were used to evaluate the potential environmental impacts of the project:

- Will the project physically divide an established community?
- Will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- Will the project conflict with any applicable habitat conservation plan or natural community conservation plan?
- Will the project convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to nonagricultural use?
- Will the project involve other changes in the existing environment which, given their location or nature, could result in conversion of Farmland to nonagricultural use?

#### 8.4.6.2 Potential Effects on Land Use

The project would constitute industrial development on land that is zoned for industrial use within the City's jurisdiction.

The project would not physically divide an established community because it is proposed to occur at the southwestern border of the City limits and the City's sphere of influence. The project would be sited in an area proposed for future industrial development by the City of Turlock General Plan (City of Turlock 2002a) and specifically proposed for industrial development in the WISP currently under development (Van der Pol 2002; Cooke 2002).

The project constitutes the type of development and land use encouraged by the City's goals and objectives. The project is consistent with current zoning and land use designations for

the site. Based on the goals and objectives of the City General Plan and future WISP, the site will eventually be used for industrial purposes, regardless of the project.

The County does not currently have an approved regional habitat conservation plan or natural community conservation plan. Therefore, the project would not conflict with the goals of such a plan.

The project would permanently remove up to 18 acres of prime farmland from production; however, the project is consistent with current industrial land use and zoning designations. Conversion of farmland to industrial uses as a result of planned growth, including the proposed site for the project, has been considered by the City as a result of adoption of its 1992 General Plan Update, and approved through a statement of overriding considerations. The City found that conversion of wildland uses, as well as annexation of existing agricultural lands on the east side of the City, would mitigate the loss of agricultural uses converted to future industrial use (City of Turlock 1992).

The impact of temporary construction activities on the population will not be significant because the surrounding area has adequate temporary housing and public services.

Further discussion for potential impacts for each of the project elements is provided below.

#### **8.4.6.2.1 Walnut Energy Center Site and Surrounding Area**

The project constitutes a permitted use in the industrial zoning district, and would result in the permanent conversion of approximately 18 acres of prime farmland, or less than 0.0064 percent of farmland within the County. By implementing their respective General Plans, both jurisdictions have addressed future development and agricultural conservation by directing growth to currently urbanized areas and incorporated cities. The proposed project is consistent with these policies, so does not constitute a significant impact on agricultural uses. The water and gas pipelines would either be constructed in or adjacent to road right-of-way where agricultural uses do not occur, or they would be constructed to allow agricultural uses after installation.

#### **8.4.6.2.2 Natural Gas Pipeline, Water Line, and Transmission Line Routes**

The proposed natural gas pipeline and water line routes would not have a significant impact on land uses of the surrounding area. Natural gas supply pipelines, potable water supply, and recycled water supply pipelines would be underground, so would not limit the continued uses of these areas for their currently designated uses (i.e., agriculture).

The proposed 115-kV transmission line would be placed along the northern boundary of the parcel, within the right-of-way of the proposed main access road. The proposed 69-kV transmission line would proceed due south from the switchyard to the existing 69-kV line. The permanent loss of agricultural use as a result of the tower and footprints would be a negligible 0.1 acre. The permanent displacement of the agricultural uses is considered and discussed in the entire 18 acres of permanent loss for the project site (refer to Subsections 8.4.6.2.1 and 8.4.7). The transmission line corridor is zoned for industrial and business park use and the area is intended for future development for this purpose. The placement of the transmission lines in the corridors proposed would not have affect or interfere with the future industrial or business park development.

### 8.4.6.3 Compatibility with Plans and Policies

The proposed project is consistent with the goals and policies of applicable plans. Table 8.4-6 summarizes the project's conformity with these applicable plans. As described in Subsection 8.4.3 the proposed project will not impact other unique land uses, such as recreational areas. Conformity with visual resource policies is provided in Subsection 8.11. The County does not have a habitat conservation plan or natural community protection plan; therefore, the project will not conflict with such plans. The project is within the broad area addressed by the *Recovery Plan for Upland Species of the San Joaquin Valley* (USFWS 1998). This plan was developed using the San Joaquin kit fox as an "umbrella species" and has the goal of preserving habitat for 11 threatened and endangered species in the Central Valley. It is unlikely that the proposed project would significantly affect any of the species targeted in the plan (see Subsection 8.2, Biological Resources).

### 8.4.7 Cumulative Impacts

The CEQA Guidelines (Section 15355) define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."

The CEQA Guidelines further note that:

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

As discussed above, the proposed project is consistent with the City's goals and objectives for industrial development and will be sited in an area zoned for such purposes. The proposed project is consistent with the current land use designation and zoning district for the site, and is also consistent with land use policies relevant to the project. Potential impacts to the aesthetic quality of the area would be minimal, as discussed in Visual Resources (Subsection 8.11).

In addition to the project being consistent with previously considered land-use planning decisions, conversion of Important Farmlands in Stanislaus County has increased over the past 6 years. As indicated previously, the conversion rate of important farmlands to urban and built-up lands in 1996 and 1998 was approximately 1.56 percent. The project would represent conversion of approximately 0.0064 percent of available important farmlands in Stanislaus County. As previously noted, the project occurs within an area zoned for industrial purposes by the City of Turlock anticipating the eventual conversion of agricultural lands within the area.

The cumulative impact of agricultural conversion at the site has previously been considered from a local and regional planning perspective. The amount of important farmlands that would be converted is minor compared to available resources. Therefore, potential cumulative impacts to conversion of agricultural resources in Stanislaus County associated with the proposed project are considered to be less than significant.

TABLE 8.4-6

Walnut Energy Center Land Use Conformity with Applicable Plans and Policies

Element	Goal/Policy	Conformity
<b>City of Turlock General Plan</b>		
General Plan Themes	<p><b>General Plan Theme 1.1-a:</b> Establishing limits to urban growth that will maintain Turlock as a free-standing city surrounded by productive agricultural land. <i>Policies throughout the General Plan are intended to support continued agricultural production and industry, while also providing for continued diversification of the City's economic base.</i></p> <p><b>General Plan Theme 1.1-c:</b> Providing commercial and industrial sites consistent with Turlock's growth. <i>Increased industrial activity and growth in other economic sectors will be needed to sustain a healthy economy.</i></p>	<p>The project is a new industrial activity within the City limits, as well as sited within the proper land use and zoning district for such activities.</p>
Land Use, Industry	<p><b>Guiding Policy 2.5-a:</b> Minimize conflicts between industry and other land uses by concentrating industrial activity west of Highway 99.</p> <p><b>Guiding Policy 2.5-b:</b> Enhance the positive factors that have made the City attractive to industry.</p> <p><b>Guiding Policy 2.5-c:</b> Preserve the existing inventory of land designated for industrial use by restricting its conversion to nonagricultural uses other than those necessary to serve tenants of industrial areas.</p> <p><b>Implementing Policy 2.5-g:</b> Designate appropriate truck routes and "industrial streets" to accommodate industrial traffic and avoid unanticipated conflicts.</p>	<p>The project will be sited within an area for which a specific plan for industrial activities is being developed, and the project would be in the proper land use and zoning district for such activities.</p> <p>The project will be sited within an area for which a specific plan for industrial activities is being developed specifically to avoid conflicts with nonindustrial uses and the project would be in the proper land use and zoning district for such activities.</p> <p>The project would directly benefit from the positive factors the City has implemented that are attractive to industry.</p> <p>The project will be sited within an area for which a specific plan for industrial activities is being developed specifically to avoid conflicts with non-industrial uses and the project would be in the proper land use and zoning district for such activities.</p> <p>The project would use appropriate truck routes and "industrial streets" as these designations are made available and are consistent with access to the power plant site.</p>

**TABLE 8.4-6**

Walnut Energy Center Land Use Conformity with Applicable Plans and Policies

Element	Goal/Policy	Conformity
Land Use, Planning Area and City/County Relationships	<b>Implementing Policy 2.5-h:</b> Design industrial development to minimize potential community impacts adversely affecting residential and commercial areas in relation to local and regional air quality and odor, adequacy of municipal service, local traffic conditions, visual quality, and noise levels.	The project will be sited within an area for which a specific plan for industrial activities is being developed specifically to avoid conflicts with nonindustrial uses and the project would be in the proper land use and zoning district for such activities. The project would follow design and landscaping guidelines as set forth in the Industrial Zoning Code.
	<b>Implementing Policy 2.5-i:</b> Buffer industrial and heavy commercial areas from adjacent residential, commercial, and recreation areas.	The project will be sited within an area for which a specific plan for industrial activities is being developed specifically to avoid conflicts with nonindustrial uses and the project would be in the proper land use and zoning district for such activities. TID reserves the right to develop the remaining 51 acres in the future.
	<b>Implementing Policy 2.5-j:</b> Designate industrial areas to be solely utilized by industrial uses to maintain and encourage mutually supportive, attractive, and compact industrial environmental and to be protected from encroachment or preemption by other incompatible uses.	See above, Policy 2.5-i.
	<b>Guiding Policy 2.8-b:</b> Work with Stanislaus County to direct growth to incorporated areas and established unincorporated communities.	The project will be sited within the incorporated City of Turlock in an area for which a particular plan for industrial activities is being developed specifically to avoid conflicts with nonindustrial uses. The project would be in the proper land use and zoning district for such activities.
Open Space and Conservation Element, Agriculture	<b>Guiding Policy 6.1-a:</b> Retain Turlock's agricultural setting by limiting urban expansion to designated areas, providing industrial land suitable for agricultural industry, and minimizing conflicts between agriculture and urban activities.	The project will be sited in an area of the City planned for industrial development.

**TABLE 8.4-6**

Walnut Energy Center Land Use Conformity with Applicable Plans and Policies

Element	Goal/Policy	Conformity
	<b>Implementing Policy 6.1-l:</b> Include analysis of agricultural impacts as part of environmental documents for plans and projects.	The project will be sited in an area of the City planned for industrial development. Conversion of agricultural lands was considered by the City when the area was zoned industrial. Construction of the power plant facility will not significantly impact agricultural productivity of the County.
Open Space and Conservation Element, Energy	<b>Implementing Policy 6.4-e:</b> Adopt a comprehensive tree-planting and maintenance program.	The project will follow landscaping requirements set forth in the Industrial Zoning Code.
Open Space and Conservation Element, Vegetation and Wildlife	<b>Implementing Policy 6.5-c:</b> Consider establishing of special environmental review procedures, such as site reconnaissance and certification by a biologist as part of the project development application process if new information to support existence of rare, endangered, or threatened species becomes available.	An evaluation of biological impacts is provided in Subsection 8.2 (Biology).
City Design, Compact Form	<b>Implementing Policy 7.1-h:</b> Prevent premature expansion of non-industrial uses west of Highway 99.	The project will be sited within the City of Turlock in an area zoned for industrial development and for which a specific plan for industrial activities is being developed to avoid conflicts with nonindustrial uses. The project would be in the proper land use and zoning district for such activities.
City Design, Urban-Agricultural Buffer	<b>Implementing Policy 7.1-k:</b> Continue urban expansion in a form that minimizes the potential for urban-agricultural conflicts.	See above, Policy 7.1-h.
<b>Stanislaus County General Plan</b>		
Land Use Element	<p><b>Goal Two:</b> Ensure compatibility between land uses.</p> <p><b>Policy Fourteen:</b> Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.</p>	The project will be sited within the City of Turlock in an area for which a specific plan for industrial activities is being developed to avoid conflicts with nonindustrial uses. The project would be in the proper land use and zoning district for such activities. The project will not affect the use of County agricultural land located adjacent to the site.

TABLE 8.4-6

Walnut Energy Center Land Use Conformity with Applicable Plans and Policies

Element	Goal/Policy	Conformity
	<b>Goal Three:</b> Foster stable economic growth through appropriate land use policies.	The project would foster economic growth by fulfilling projected electrical demand and improving power quality and reliability, in part because of economic growth. Additionally, the project would be in the proper land use and zoning district.
	<b>Policy Sixteen:</b> Agriculture, as the primary industry of the County, shall be promoted and protected.	The project will be sited within the incorporated City of Turlock in an area for which a specific plan for industrial activities is being developed to avoid conflicts with nonindustrial uses. The project would be in the proper land use and zoning district for such activities. The project will not affect the use of County agricultural land located adjacent to the site.
	<b>Policy Seventeen:</b> Promote diversification and growth of the local economy.	The project would foster economic growth by fulfilling projected electrical demand and improving power quality and reliability, thus promoting economic growth. Additionally, the project would be a new industrial activity that implements use of recycled water for its operations.
	<b>Implementation Measure 1:</b> Encourage Stanislaus County Economic Development Corporation to promote Stanislaus County as a profitable location for industry.	
	<b>Implementation Measure 4:</b> Encourage the development of new industries and the retention of existing industries that help the community reduce, recycle, and/or reuse waste that would otherwise require disposal.	
	<b>Policy Twenty:</b> Facilitate retention and expansion of existing businesses.	The project would expand existing TID electric supply capabilities in the area where an existing facility is already sited. It will provide needed power for expansion of existing businesses and attraction of new businesses.
	<b>Goal Four:</b> Ensure that an effective level of public service is provided in unincorporated areas.	The project would contribute to TID's ability to provide electricity to its service area.

TABLE 8.4-6

Walnut Energy Center Land Use Conformity with Applicable Plans and Policies

Element	Goal/Policy	Conformity
	<p><b>Policy Twenty-Two:</b> Future growth shall not exceed capabilities/capacity of the provider of services.</p> <p><b>Implementation Measure 5:</b> The current level of service of public agencies shall be determined and not allowed to deteriorate as a result of new development.</p> <p><b>Implementation Measure 9:</b> The County will coordinate with existing irrigation, utility, and transportation systems by referring projects to appropriate agencies and organization for review and comment.</p> <p><b>Goal Five:</b> Complement the general plans of cities within the County.</p> <p><b>Policy Twenty-Four:</b> Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement, shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration.</p> <p><b>Implementation Measure 1:</b> All discretionary development proposals within the sphere of influence or areas of specific designation of a city shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets their development standards. If development standards of the city and County conflict, the city's standards shall govern.</p>	<p>The project would contribute to TID's ability to provide electricity to its service area, based on projected electric demand.</p> <p>The project would be consistent with the City land use designation and zoning and the intent of the Westside Industrial Plan, currently under development. The project is consistent with applicable policies of the General Plan, as described above.</p>

## 8.4.8 References

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**FIGURE 8.4-1**  
Land Use Designations for Project Vicinity and Site

**FIGURE 8.4-2**  
Zoning for Project Vicinity and Site